'Newsman's Shield' Opposed by Ervin

Associated Press

Sen. Sam J. Ervin Jr., who just completed an investigation of press freedom, says newsmen should not be exempted from testifying about crimes they witness.

The North Carolina Democrat said in an interview he would oppose that major section of a bill now in his Senate Subcommittee on Constitutional Rights. Called a "newsmen's shield," the provision is part of legislation sponsored by Sen. James B. Pearson (R-Kan.).

"If a newsman is in a position to give a positive, direct testimony, if he sees a violation, he should be subpoenaed," Ervin said, observing that "anybody else that sees the same thing would be compelled" to testify or face a contempt-of-court citation.

Approximately 19 states have enacted so-called shield laws, although some do not apply when an assault, robbery or an attack on national security is observed by the newsman.

Pearson's bill provides for use of a court order if the newsman's information "is required to prevent a threat to human life, espionage or foreign aggression."

Ervin does agree with other provisions of Pearson's bill, particularly the prohibition of government subpoenas of unused film and notes in cases where no crime has been witnessed. Ervin was critical of the House Commerce Committee for seeking a contempt-of-Congress citation last spring against CBS President Frank Stanton, who refused to show the committee unused film clips gathered in producing the documentary, "The Selling of the Pentagon."

The committee "wanted to make a legislative judgment" on a television program, Ervin said. He said the government "shouldn't be in the business of deciding what's the truth."

Ervin said his subcommittee should wait for the Supreme Court to act on three pending cases dealing with subpoenas of newsmen before deciding whether to go to work on the legislation.

In the meantime, he said, "the hearings have accomplished a good deal" in publicizing factors which seek to influence the press. "When you start trying to regulate freedoms you'll destroy freedoms," Ervin said.